

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

THOMAS JOHN HEYDEN,  
Plaintiff,  
vs.  
MINERAL COUNTY SHERIFF'S  
OFFICE, et al.,  
Defendants.

Case No. 3:24-cv-451-ART-CSD

ORDER ON REPORT &  
RECOMMENDATION OF  
MAGISTRATE JUDGE  
(ECF No. 9)

Plaintiff Thomas John Heyden, a pre-trial detainee currently housed at the Mineral County Detention Center, filed a complaint in this action alleging violations of their rights under the Fourth Amendment related to their pending criminal case in state court. (ECF No. 1-1.) Magistrate Judge Denney issued a Report and Recommendation (R&R), in which he screened Plaintiff's complaint and recommended granting Plaintiff's application to proceed in forma pauperis ("IFP Application") and dismissing Plaintiff's claims without prejudice because they relate to Plaintiff's pending criminal case in state court. Plaintiff did not object to Judge Denney's R&R.

**I. Review of Report and Recommendation**

Magistrate judges are empowered to issue reports and recommendations on dispositive issues, which district judges may "accept, reject, or modify, in whole or in part." 28 U.S.C. § 636(b)(1)(C). Where, as here, neither party objects to a magistrate judge's recommendation, the district court is not required to perform any review of that judge's conclusions. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Although no review is required, the Court agrees with Judge Denney that Plaintiff's claims in their first complaint relate to Plaintiff's underlying criminal case in state court, which is ongoing. Under *Younger v. Harris*, federal courts may

1 not interfere with ongoing state criminal proceedings. 401 U.S. 37 (1971).

2 The Court therefore adopts Judge Denney's R&R. Plaintiff's claims in their  
3 first complaint (ECF No. 1-1) are dismissed without prejudice.

4 **II. Plaintiff's New IFP Application and Complaint**

5 Plaintiff has subsequently filed a new IFP application and complaint with  
6 entirely different claims: that they are a transgender woman and are not being  
7 provided with necessary medical treatments while at the Mineral County  
8 Detention Facility. (ECF Nos. 10, 11.)

9 These claims are unrelated to the claims in this case. The Court construes  
10 this as an attempt by Plaintiff to file a new case in this Court. The Court will  
11 therefore order the Clerk to open a new case and file Plaintiff's new IFP application  
12 and complaint (ECF Nos. 10, 11) in that action.

13 If Plaintiff did not intend to file a new case with this Court, Plaintiff may  
14 file a "notice of voluntary dismissal" in the new case, which will dismiss that case.

15 **III. Plaintiff's Mailing Address**

16 Plaintiff's mail has been returned as undeliverable. (ECF No. 13.) It has  
17 come to the attention of the Court that the mailing address Plaintiff has listed is  
18 an incorrect address for Mineral County Detention Center. The Court will instruct  
19 the Clerk of the Court to update Plaintiff's address in this case to correct this  
20 error. The correct address for Mineral County Detention Center is:

21 Mineral County Detention Center  
22 105 South A St.  
23 Hawthorne, NV 89415

24 **IV. Conclusion**

25 **With respect to this case:**

26 It is therefore ordered that Judge Denney's R&R (ECF No. 9) is ADOPTED.

27 It is further ordered that Plaintiff's complaint (ECF No. 1-1) is denied  
28 without prejudice.

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1 It is further ordered that Plaintiff's IFP applications (ECF Nos. 1, 7, 10) are  
2 DENIED AS MOOT.

3 It is further ordered that the Clerk of the Court is instructed to update  
4 Plaintiff's address in this action to:

5 Thomas John Heyden  
6 24218  
7 Mineral County Detention Center  
8 105 South A St.  
9 Hawthorne, NV 89415

10 It is further ordered that the Clerk of the Court is instructed to CLOSE this  
11 case.

12 **With respect to the new case:**

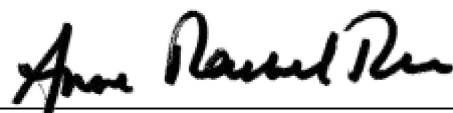
13 It is therefore ordered that the Clerk of the Court is ordered to  
14 administratively open a new case with this court and file Plaintiff's second IFP  
15 application (ECF No. 10) and complaint (ECF No. 11) in that action.

16 It is further ordered that the Clerk of the Court is instructed to file a copy  
17 of this order in the new case.

18 It is further ordered that the Clerk of the Court is instructed to update  
19 Plaintiff's address in the new action to:

20 Thomas John Heyden  
21 24218  
22 Mineral County Detention Center  
23 105 South A St.  
24 Hawthorne, NV 89415

25 Dated this 18<sup>th</sup> day of February, 2025.

26 

27 ANNE R. TRAUM  
28 UNITED STATES DISTRICT JUDGE